

DANIEL G. BOGDEN
United States Attorney
District of Nevada

LINDSY M. ROBERTS
Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
Telephone: 702-388-6336
Email: lindsay.roberts@usdoj.gov

Attorneys for the United States.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSHUA PORTER,

Plaintiff,

v.

UNITED STATES OF AMERICA, DOES I
through X, and ROE ENTITIES I through X,

Defendants.

Case No. 2:16-cv-00633-APG-CWH

JOINT STIPULATION
TO STAY DISCOVERY
(First Request)

The parties to this action stipulate to a stay of discovery, including procedures under Fed. R. Civ. P. 26(f) and LR 26-1, pending a ruling on the United States' Motion to Dismiss for lack of subject matter jurisdiction (filed simultaneously with this Stipulation). There have been no previous requests for any stay or extension of discovery deadlines. The parties have exchanged initial and supplemental disclosures as well as written discovery. This request is made within 21 days of the expiration of the next deadline set forth within the Discovery Plan and Scheduling Order, which is the January 9, 2017, deadline for expert disclosures.

This is a Federal Tort Claims Act claim. Plaintiff, an employee of the National Park Service, alleges that a National Park Service Emergency Medical Technician ("EMT") injured him when the EMT negligently attempted to intubate him following a medical emergency.

The United States' Motion to Dismiss is based the fact that Plaintiff is pursuing a workers' compensation claim against the National Park Service arising out of the same injuries that are the subject of his FTCA claim. Counsel for the parties have discussed the issues and believe that it is in their best interest to await a ruling by the Court on the pending motion to avoid having to incur the time and expenses associated with pretrial discovery, in particular as the Motion to Dismiss is based on a jurisdictional issue that would resolve all pending claims if granted. Many of the relevant fact witnesses are now located out of state and significant travel will be required to accomplish fact witness depositions. Accordingly, a stay would conserve the resources of the parties and the Court. As such, the parties respectfully request that the Court stay discovery in this matter.

Respectfully submitted this 19th day of December 2016.

WEINER LAW GROUP, LLC

DANIEL G. BOGDEN
United States Attorney

/s/ Gregory G. Cortese
GREGORY G. CORTESE
2820 W. Charleston Blvd., Suite 35
Las Vegas, Nevada 89102
gcortese@weinerlawnevada.com

/s/ Lindsay M. Roberts
LINDSY M. ROBERTS
Assistant United States Attorney

Attorney for Plaintiff

Attorneys for the United States

IT IS SO ORDERED. IT IS FURTHER ORDERED that if the pending motion to dismiss is denied, the parties must meet and confer and file a revised proposed discovery plan and scheduling order within 21 days of the order on the motion to dismiss.


UNITED STATES DISTRICT JUDGE
UNITED STATES MAGISTRATE JUDGE

DATED: December 20, 2016